

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-39 are pending in the application, with claims 21 and 31 being the independent claims. Claims 25, 26, 28, 29, and 32 are sought to be amended. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The claims presented in this Application should be interpreted solely based on the file history of this Application, not the file history of any predecessor or related application. With respect to this application, Applicants hereby rescind any and all disclaimers of claim scope made in any parent application(s), any predecessor application(s), and any related application(s). The Examiner is advised that any previous disclaimer of claim scope, if any, and any references that allegedly caused any previous disclaimer of claim scope, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Claims

Claim 32

Claim 32 stands objected to because of an alleged informality. Without acquiescing to the merits of this allegation, Applicants have amended claim 32 to accommodate the Examiner's objection. Accordingly, Applicants respectfully request the objection to claim 32 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

Claims 31-34, 36, 37, and 39

Claims 31-34, 36, 37, and 39 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent No. 7,149,474 to Mikhak ("Mikhak"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

This Application discloses flow of packets in a residential gateway according to an exemplary embodiment of the present invention¹. For example, as shown in FIG. 1B of this Application, the residential gateway translates a packet from a DOCSIS format, referred to as the "*first communications protocol*" by independent claim 31, to an internal format, referred to as the "*second communications protocol*" by independent claim 31. (Specification, p. 6, ll. 33-36.) If the packet is a data packet, the residential gateway translates the packet from the internal format to a HomePNA format, referred to as the

¹ The interpretation of the claims now being considered is not limited to this flow of packets. Other flows of packets are possible as will be apparent to one skilled in the relevant art(s) from the teachings of this Application.

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"*third communications protocol*" by independent claim 31. (Specification, p. 7, ll. 2-6.)

On the other hand, if the packet is a voice packet, the residential gateway translates the packet from the internal format to either the HomePNA format or to a POTS telephone format, referred to as the "*fourth communications protocol*" by independent claim 31, based upon whether the packet is destined for a HomePNA LAN or a POTS telephone. (Specification, p. 7, ll. 7-18.)

Mikhak discloses a flow of packets in a residential gateway; however, Mikhak does not disclose converting the packets to the internal protocol, namely the *second communications protocol*", as recited by independent claim 31. Rather, Mikhak discloses directly translating packet from a DOCSIS format to either HPNA or POTS based upon a destination of the packet without using an intermediary protocol in between. For example, Mikhak discloses a residential gateway to provide "a means to convert the physical media and protocols used for physical media and protocols (typically HomePNA) used on the in home wire pairs." (Mikhak, 4:35-39.) Specifically, the residential gateway of Mikhak receives data service that is delivered "using Ethernet as specified by CableLabs in the DOCSIS specification, and alternatively by HPNA", referred to as IP streams Mikhak. (Mikhak, 4:61-65.) The residential gateway of Mikhak "contains the high voltage circuits and the processing elements necessary to convert the packetized voice delivered over [the] IP streams to the continuous analog voltages required for the POTS interface." (Mikhak, 4:66-5:3.) The residential gateway of Mikhak additionally acts a proxy for voice over HPNA phones connected to an HPNA network." (Mikhak, 5:4-5.) This proxy "performs an interface conversion function at two levels, first is a transport packet conversion and the second is the signaling protocol conversion." (Mikhak, 5:4-5.)

Nowhere does Mikhak teach or suggest that the packetized voice delivered over the IP streams is converted to a different communication protocol before conversion to the HomePNA protocol and/or the POTS protocol as recited by independent claim 31. The passage of Mikhak relied on by the Examiner to allegedly teach or suggest this feature merely describes the functionality of its residential gateway, namely "the residential gateway [of Mikhak] provides a means to convert the physical media and protocols used for the IP network to the physical media and protocols used on the LAN backbone (typically Ethernet, ADSL and IDSL)." (Office Action, p. 3, citing Mikhak, 4:35-44.) In other words, nowhere does Mikhak disclose that the physical media and protocols used on the LAN backbone are converted to the HomePNA protocol and/or the POTS protocol as alleged in the Office Action. (Office Action, p. 3.) Rather, the HomePNA protocol and/or the POTS protocol as discussed by Mikhak represent the physical media and protocols used on the LAN backbone in this high level description of Mikhak.

Therefore, Mikhak does not teach or suggest at least the feature of "*translating the packet payload from the first communications protocol to a second communications protocol*" as recited by independent claim 31. Consequently, Mikhak cannot anticipate independent claim 31. Dependent claims 32-34, 36, 37, and 39 are likewise not anticipated by Mikhak for the same reasons as independent claim 31 from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 31-34, 36, 37, and 39 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Allowable Subject Matter

Claims 35 and 38 stand objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. From the discussion above, Applicants have traversed the rejections to independent claim 31. Dependent claims 35 and 38 are likewise allowable for being dependent upon an allowable base claim and further in view of their own respective features. Accordingly, Applicants respectfully request that the objection of claims 35 and 38 be reconsidered and withdrawn.

Allowed Claims

Claims 21-30

Applicants thank the Examiner for indicating the allowability of claims 21-30 in the Office Action. (Office Action, p. 4.)

Comments on Statement of Reasons for Allowance

Applicants note the Examiner's Statement of Reasons for Allowance presented on page 4 of the Office Action. Applicants reserve the right to demonstrate claims 21-30 are allowable over the art made of record for further reasons related to any of their recited features. Applicants further contend that reservation of this right does not give rise to any implication regarding whether the Applicants agree with or acquiesce in the reasoning provided by the Examiner.

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Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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